

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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 In re: EPHEDRA PRODUCTS LIABILITY : 04 M.D. 1598 (JSR)
 LITIGATION :
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 PERTAINS TO ALL CASES

STATUS ORDER (INCLUDING CASE MANAGEMENT ORDER NO.48)

JED S. RAKOFF, U.S.D.J.

At the monthly status conference held on July 14, 2008, the Court made the following rulings, which are hereby confirmed (and in some instances modified and supplemented) as follows:

1. The next status conference will be at 4:30 pm on the new date of Thursday, September 11, 2008.

2. Upon the Court's own motion with notice, the 23 cases listed in the Exhibit annexed to this order are dismissed with prejudice. The Court's motion to dismiss was unopposed in 19 of the cases. Opposition papers were filed by counsel for plaintiffs in four nearly identical putative class actions alleging violations of state consumer fraud statutes: Abrams v. General Nutrition, No. 06 Civ. 7881; Shawn Brown v. General Nutrition, No. 07 Civ. 6356; Harry Rodriguez v. GNC, No. 06 Civ. 2987; and Toth v. Bodyonic, No. 07 Civ. 2721. After hearing oral argument, the Court dismissed these cases with prejudice because

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of plaintiffs' failure to prosecute them as required by briefing schedules set by the Court and applicable case management orders.

3. A motion by Howard W. Erichson, professor of law at Fordham University, for payment of \$30,000 for ethics consultations in connection with the Metabolife and NVE mediations was granted as unopposed. A separate order will issue directing the Clerk to make the payment from the Ephedra Plaintiffs' Common Expense Fund.

SO ORDERED.



JED S. RAKOFF, U.S.D.J.

Dated: New York, New York
July 28, 2008

EXHIBIT to Case Management Order No.48

CASES DISMISSED WITH PREJUCICE

Miles v. Bayer Corp., No. 02 Civ. 8574

Louis Stevens v. Vitafree, No. 05 Civ. 3895

Diane Nix v. Metabolife, No. 05 Civ. 3902

Morse v. Muscletech Research & Development, No. 05 Civ. 5979

Rusell Austin v. BDI, No. 05 Civ. 6934

Jason Hill v. NVE, No. 05 Civ. 10080

Hasani Jones v. HVL Inc., No. 06 Civ. 0088

June Thomas v. Costco Wholesale Corp., No. 06 Civ. 1366

Harry Rodriguez v. GNC, No. 06 Civ. 2987

Doucette v. Metabolife International Inc., No. 06 Civ. 4481

Cate v. MII Liquidations, No. 06 Civ. 4508

Chapman v. Alpine Health Products, LLC, No. 06 Civ. 4539

Rebecca Welty v. MII Liquidations, No. 06 Civ. 6627

Joseph Salser v. MII Liquidations, No. 06 Civ. 6629

Audrey Meadors v. MII Liquidations, No. 06 Civ. 6631

Bonnie Simmons v. MII Liquidations, No. 06 Civ. 6655

Sherida Miller v. Premier Marketing et al., No. 06 Civ. 6659

Everett Abrams v. General Nutrition, No. 06 Civ. 7881

Taylor v. National Urological Group Inc., No. 06 Civ. 13041

Cowsert v. Nutrition & Fitness, Inc., No. 07 Civ. No. 0484

Spicer v. New Image International, Inc., No. 07 Civ. 1084

Andrew Toth v. Bodyonic, No. 07 Civ. 2721

Shawn Brown v. General Nutrition, No. 07 Civ. 6356